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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW JOHN GIBSON,

Defendant.

Case No. 2:14-cr-00287-KJD-CWH

ORDER

Before the Court for consideration is the Report and Recommendation (#137) of Magistrate Judge C.W. Hoffman entered January 11, 2017 recommending that Defendant's Motion to Suppress Evidence (#96) be denied. Defendant filed an Objection (#141).

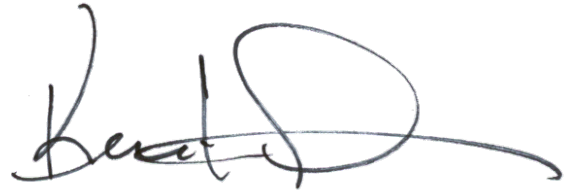
The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2 and agrees with the Magistrate's findings that: 1) Defendant was not in custody at the time of his interview with Detective Tooley; and 2) even if Defendant was in custody, he did not unambiguously invoke his right to counsel during his interview as Defendant provided no testimony during the evidentiary hearing on this matter that Detective Tooley dissuaded him from requesting counsel or that she persuaded him to continue with the interview.

1 Accordingly, **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and
2 Recommendation (#137) entered January 11, 2017, are **ADOPTED** and **AFFIRMED**;

3 **IT IS FURTHER ORDERED** that Defendant's Motion to Suppress Evidence (#96) is
4 **DENIED**.

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6 DATED this _14th_ day of April 2017.

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A handwritten signature in blue ink, appearing to read 'Kent J. Dawson', is written over a horizontal line.

Kent J. Dawson
United States District Judge